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House Engrossed

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
First Regular Session  
2005

# HOUSE BILL 2298

AN ACT

AMENDING TITLE 28, CHAPTER 3, ARTICLE 18, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 28-1110 AND 28-1111; RELATING TO PILOT CARS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 28, chapter 3, article 18, Arizona Revised Statutes,  
3 is amended by adding sections 28-1110 and 28-1111, to read:

4 28-1110. Pilot car operation; certification required; display  
5 required; duplicate certificate; cancellation;  
6 exemption; violation; civil penalty; definition

7 A. A PERSON SHALL NOT OPERATE A PILOT CAR ON THE HIGHWAYS OF THIS  
8 STATE UNLESS THE PERSON COMPLIES WITH ALL OF THE FOLLOWING:

9 1. THE PERSON HAS COMPLETED PILOT CAR TRAINING AS PRESCRIBED IN  
10 SECTION 28-1111 AND HAS BEEN ISSUED A PILOT CAR OPERATOR CERTIFICATE PURSUANT  
11 TO SECTION 28-1111 OR THE LAWS OF ANOTHER STATE.

12 2. THE PERSON IS AT LEAST EIGHTEEN YEARS OF AGE.

13 3. THE PERSON HAS A VALID CLASS A, B, C OR D LICENSE OR A LICENSE  
14 ISSUED IN ANOTHER STATE THAT IS APPROPRIATE FOR THE TYPE OF PILOT CAR THE  
15 PERSON IS OPERATING.

16 B. WHILE OPERATING A PILOT CAR, A PERSON SHALL HAVE IN THE PERSON'S  
17 IMMEDIATE POSSESSION A VALID DRIVER LICENSE OF THE APPROPRIATE CLASS FOR THE  
18 TYPE OF MOTOR VEHICLE BEING OPERATED, EVIDENCE OF A PILOT CAR OPERATOR  
19 CERTIFICATE AND VALID VEHICLE REGISTRATION AND INSURANCE PURSUANT TO CHAPTER  
20 7 AND CHAPTER 9 OF THIS TITLE.

21 C. A PILOT CAR OPERATOR SHALL HAVE A LEGIBLE PILOT CAR OPERATOR  
22 CERTIFICATE IN THE OPERATOR'S IMMEDIATE POSSESSION AT ALL TIMES WHILE  
23 OPERATING A PILOT CAR. ON DEMAND OF A JUSTICE OF THE PEACE, A POLICE OFFICER  
24 OR A FIELD DEPUTY OR INSPECTOR OF THE DEPARTMENT, A PERSON SHALL DISPLAY THE  
25 CERTIFICATE.

26 D. A PERSON WHO IS SERVED A COMPLAINT FOR VIOLATING THIS SECTION IS  
27 NOT RESPONSIBLE IF THE PERSON PRODUCES IN COURT OR THE OFFICE OF THE POLICE  
28 OFFICER OR FIELD DEPUTY OR INSPECTOR OF THE DEPARTMENT A LEGIBLE PILOT CAR  
29 OPERATOR CERTIFICATE OR AN AUTHORIZED DUPLICATE OF THE PILOT CAR OPERATOR  
30 CERTIFICATE ISSUED TO THE PERSON THAT WAS VALID AT THE TIME OF THE ALLEGED  
31 VIOLATION OF THIS SECTION.

32 E. IF A PILOT CAR OPERATOR CERTIFICATE ISSUED UNDER SECTION 28-1111 IS  
33 LOST, DESTROYED OR MADE ILLEGIBLE, IF THE NAME OR ADDRESS OF THE APPLICANT  
34 CHANGES OR IF A NEW PHOTO IMAGE IS DESIRED, THE PERSON TO WHOM THE  
35 CERTIFICATE WAS ISSUED MAY OBTAIN A DUPLICATE, UPDATE OR SUBSTITUTE THE  
36 CERTIFICATE.

37 F. IF THE DIRECTOR SUSPENDS OR REVOKES THE LICENSE OF A PERSON  
38 PURSUANT TO SECTION 28-3306 AND THE PERSON IS ALSO CERTIFIED AS A PILOT CAR  
39 OPERATOR, THE DIRECTOR SHALL CANCEL THE PERSON'S PILOT CAR OPERATOR  
40 CERTIFICATE AND PROVIDE NOTICE OF THE CANCELLATION TO THE PERSON AT THE SAME  
41 TIME THE DIRECTOR NOTIFIES THE PERSON OF THE ACTION TAKEN PURSUANT TO SECTION  
42 28-3306. A PERSON IS NOT ELIGIBLE TO OBTAIN A NEW PILOT CAR OPERATOR  
43 CERTIFICATE UNTIL THE DIRECTOR RECEIVES SATISFACTORY EVIDENCE THAT THE CAUSE  
44 OF THE REVOCATION, SUSPENSION OR CANCELLATION HAS BEEN REMOVED AND THE  
45 PERSON'S DRIVING PRIVILEGE IS REINSTATED.

1 G. CERTIFIED PEACE OFFICERS AND PERSONS WHO POSSESS A VALID LICENSE  
2 FROM ANOTHER STATE THAT DOES NOT REQUIRE PILOT CAR CERTIFICATION FOR  
3 OPERATION OF A PILOT CAR VEHICLE ARE EXEMPT FROM THIS SECTION.

4 H. A PERSON WHO OPERATES A PILOT CAR IN VIOLATION OF THIS SECTION OR  
5 RULES ADOPTED BY THE DIRECTOR RELATING TO THE OPERATION OF PILOT CARS IS  
6 RESPONSIBLE FOR A CIVIL TRAFFIC VIOLATION.

7 I. IF A PERSON IS FOUND RESPONSIBLE FOR A CIVIL TRAFFIC VIOLATION  
8 PURSUANT TO SUBSECTION H OF THIS SECTION:

9 1. A DEPARTMENT OR AGENCY OF THIS STATE SHALL NOT CONSIDER THE  
10 VIOLATION FOR THE PURPOSE OF DETERMINING WHETHER THE PERSON'S DRIVER LICENSE  
11 SHOULD BE SUSPENDED OR REVOKED AND A COURT SHALL NOT TRANSMIT ABSTRACTS OF  
12 RECORDS OF JUDGMENT FOR THE VIOLATION TO THE DEPARTMENT.

13 2. AN INSURER SHALL NOT CONSIDER THE VIOLATION AS A MOVING TRAFFIC  
14 VIOLATION AGAINST THE PERSON FOR THE PURPOSE OF ESTABLISHING RATES OF MOTOR  
15 VEHICLE INSURANCE CHARGED BY THE INSURER AND SHALL NOT CANCEL OR REFUSE TO  
16 RENEW A POLICY OF INSURANCE BECAUSE OF THE VIOLATION.

17 3. THE CIVIL PENALTY SHALL NOT EXCEED FIFTY DOLLARS PLUS THE PENALTY  
18 ASSESSMENTS IMPOSED PURSUANT TO SECTIONS 12-116.01 AND 12-116.02.

19 J. FOR THE PURPOSES OF THIS SECTION, "PILOT CAR" HAS THE SAME MEANING  
20 AS PRESCRIBED IN SECTION 28-1111.

21 28-1111. Pilot car training and certification requirements;  
22 authorization; cancellation; hearing; definition

23 A. THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION, IN CONSULTATION  
24 WITH THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY SHALL DEVELOP AND  
25 APPROVE A SCHEDULED COURSE OF TRAINING AND PRESCRIBE TRAINING COURSE  
26 MATERIALS THAT SHALL BE USED BY ANY PERSON PROVIDING PILOT CAR OPERATOR  
27 TRAINING AND CERTIFICATION IN THIS STATE.

28 B. THE DIRECTOR MAY AUTHORIZE ANY OF THE FOLLOWING TO CONDUCT PILOT  
29 CAR OPERATOR TRAINING AND ISSUE PILOT CAR OPERATOR CERTIFICATIONS:

30 1. A LAW ENFORCEMENT AGENCY.

31 2. A CERTIFIED PEACE OFFICER.

32 3. PROFESSIONAL DRIVER TRAINING SCHOOLS LICENSED PURSUANT TO TITLE 32,  
33 CHAPTER 23.

34 4. DEFENSIVE DRIVING SCHOOLS OPERATED PURSUANT TO CHAPTER 8, ARTICLE 7  
35 OF THIS TITLE.

36 5. AN ASSOCIATION OF MOTOR CARRIERS.

37 6. AN ASSOCIATION OF SPECIALIZED MOTOR CARRIERS AND RIGGERS.

38 C. ON SUCCESSFUL COMPLETION OF THE TRAINING PRESCRIBED BY THE  
39 DIRECTOR, THE PERSON CONDUCTING THE TRAINING MAY ISSUE A PILOT CAR OPERATOR  
40 CERTIFICATE TO A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE AND WHO  
41 POSSESSES A VALID CLASS A, B, C OR D LICENSE OR A VALID MOTOR VEHICLE  
42 OPERATOR LICENSE ISSUED IN ANOTHER STATE.

43 D. THE DIRECTOR SHALL PRESCRIBE THE FORM AND CONTENT OF THE PILOT CAR  
44 OPERATOR CERTIFICATE AND THE CERTIFICATE SHALL CONTAIN A PHOTO IMAGE OF THE  
45 PERSON TO WHOM THE CERTIFICATE IS ISSUED.

1 E. ON ISSUING A PILOT CAR OPERATOR CERTIFICATE AS PRESCRIBED IN THIS  
2 SECTION, THE PERSON ISSUING THE CERTIFICATE SHALL ELECTRONICALLY NOTIFY THE  
3 DEPARTMENT THROUGH THE DEPARTMENT'S INTERNET SERVICE PROVIDER IN A FORM  
4 PRESCRIBED BY THE DIRECTOR OF THE CERTIFICATE ISSUANCE.

5 F. THE DIRECTOR SHALL ESTABLISH PROCEDURES TO NOTE ON A PERSON'S  
6 DRIVING RECORD THE ISSUANCE OF A PILOT CAR OPERATOR CERTIFICATE.

7 G. IF THE DIRECTOR HAS REASONABLE GROUNDS TO BELIEVE THAT A PERSON OR  
8 ORGANIZATION AUTHORIZED TO CONDUCT PILOT CAR OPERATOR TRAINING AND  
9 CERTIFICATION IS VIOLATING ANY LAW, RULE OR POLICY ADOPTED BY THE DIRECTOR  
10 RELATING TO THE TRAINING, CERTIFICATION OR OPERATION OF PILOT CARS, THE  
11 DIRECTOR SHALL NOTIFY THE PERSON THAT THEY ARE NO LONGER AUTHORIZED TO  
12 CONDUCT PILOT CAR OPERATOR TRAINING AND CERTIFICATION AND THAT THE DIRECTOR'S  
13 AUTHORIZATION IS CANCELED. THE DIRECTOR SHALL REFUSE TO ACCEPT  
14 CERTIFICATIONS ISSUED BY THE PERSON AFTER THE DATE THE DIRECTOR PROVIDED  
15 NOTICE.

16 H. A PERSON WHO IS AGGRIEVED BY THE CANCELLATION OF AN AUTHORIZATION  
17 MAY MAKE A WRITTEN REQUEST TO THE DEPARTMENT FOR A HEARING ON THE  
18 CANCELLATION WITHIN FIFTEEN DAYS AFTER SERVICE OF THE NOTICE OF CANCELLATION.  
19 IF THE PERSON DOES NOT REQUEST A HEARING WITHIN FIFTEEN DAYS, THE DENIAL IS  
20 FINAL.

21 I. IF THE PERSON REQUESTS A HEARING, THE DIRECTOR SHALL GIVE WRITTEN  
22 NOTICE TO THE PERSON TO APPEAR AT A HEARING TO SHOW CAUSE WHY THE DENIAL OF  
23 THE PERSON'S AUTHORIZATION SHOULD NOT BE UPHELD. AFTER CONSIDERATION OF THE  
24 EVIDENCE PRESENTED AT THE HEARING, THE DIRECTOR SHALL SERVE NOTICE IN WRITING  
25 TO THE PERSON OF THE DIRECTOR'S FINDINGS AND ORDER.

26 J. IF THE APPLICATION IS DENIED, THE APPLICANT MAY APPEAL THE DECISION  
27 PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6.

28 K. THE DIRECTOR MAY ADOPT RULES TO ESTABLISH PILOT CAR OPERATOR  
29 TRAINING AND CERTIFICATION REQUIREMENTS. THE RULES MAY INCLUDE THE  
30 ESTABLISHMENT OF A FEE TO BE DETERMINED BY THE DIRECTOR.

31 L. FOR THE PURPOSES OF THIS SECTION, "PILOT CAR" MEANS A MOTOR VEHICLE  
32 THAT ESCORTS OVERDIMENSIONAL OR OVERWEIGHT LOADS ON THE HIGHWAYS OF THIS  
33 STATE.